IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8112 of 2004

Between:

Vangara Subba Rao S/o Venkata Narasaiah
12/93 Nehru Nagar Colony Kogulapadu Post

Buchireddypalem Mandal, Nellore District

..... PETITIONER

AND

1 The Registrar Co-operative Society Dept. of

Cooperation, opp. Gandhi Bhavan, Hyderabad
2 The General Manager, NDCC Bank Ltd., Nellore
3 The Nodal Officer, NDCC Bank Ltd., Podalakur

Branch, Nellore District
4 The Person-in-Charge/Chairman Mamuduru

Primary Agricultural Co-operative Credit Society
Podalakur Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Certiorari issuing Rule Nisi and call for the records inclusive of leading up to the issuance of proceedings Rc. No. PACS/SECS/4/2003-04 dated 28-1-04 of 4th respondent as illegal, arbitrary without jurisdiction and violative of principles of natural justice and quash the same.

Counsel for the Petitioner: SMT.Chintalapudi Lakshmi Kumari

Counsel for the Respondent Nos.1 to 4: GP for Cooperation

The Court made the following :

W.P.NO.8112 OF 2004

ORDER:

The petitioner by way of this writ petition questions the order dated 28-1-2004 passed by the person-in-charge of the 4th respondent-Society in placing him under suspension.

I have taken a view in W.P.No.3171 of 2003 and batch dated 30-08-2004 that no writ petition lies against the Primary Agricultural Co-opeartive Society by its employees as the Primary Agricultural Cooperative Society is not a State within the meaning of the Article 12 of the Constitution of India, amenable to the writ jurisdiction. The petitioner has an effective alternative remedy under the special Bye-laws.

Accordingly, the writ petition is dismissed so as to enable the petitioner to avail the alternative remedy available to him. No order as to costs.

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16-09-2004

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To

1 The Registrar Co-operative Society Dept. of

Cooperation, opp. Gandhi Bhavan, Hyderabad
2 The General Manager, NDCC Bank Ltd., Nellore
3 The Nodal Officer, NDCC Bank Ltd., Podalakur

Branch, Nellore District
4 The Person-in-Charge/Chairman Mamuduru

Primary Agricultural Co-operative Credit Society
Podalakur Mandal, Nellore District

5. Two CCs to GP for Coopeation, High Court buildings,

Hyderabad (OUT)

6. Two CD copies.